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26/11/24

**THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – THIRD SESSION – 2024**

**DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION**

**REPORT OF THE DEPARTMENTAL COMMITTEE ON SOCIAL
PROTECTION ON APPROVAL HEARING OF HON. REHEMA DIDA
JALDESA AND MR. MICHAEL NZOMO MBITHUKA AS NOMINEES FOR
APPOINTMENT AS THE CHAIRPERSON AND MEMBER, RESPECTIVELY,
OF THE NATIONAL GENDER AND EQUALITY COMMISSION**

**CLERKS CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI**

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 26 NOV 2024	
DAY: <u>TUE</u>	
TABLED BY:	CHAIRPERSON, DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION
CLERK-AT-THE-TABLE:	MERCY CHUMO

November 2024

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DES. MATHIAS BUKI
FOR HON. REHEMA DIDA JALDESA

LIST OF ABBREVIATIONS AND ACRONYMS

H.E.	-	His Excellency
KRA	-	Kenya Revenue Authority
EACC	-	Ethics and Anti-Corruption Commission
DCI	-	Directorate of Criminal Investigations
HELB	-	Higher Education Loans Board
NGEC	-	National Gender and Equality Commission
ORPP	-	Office of the Registrar of Political Parties
PAPAA	-	Public Appointments (Parliamentary Approval) Act

ANNEXURES

- Annexure 1: Adoption List
- Annexure 2: Minutes
- Annexure 3: Message from H.E. the President nominating Hon. Rehema Dida Jaldesa and Mr. Michael Nzomo Mbithuka (Presidential Nomination Certificate No. 7 of 2024)
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CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Social Protection on approval hearing of Hon. Rehema Dida Jaldesa and Mr. Michael Nzomo Mbithuka, nominees for appointment as the Chairperson and Member of the National Gender and Equality Commission, respectively.

Pursuant to Article 250(2) of the Constitution as read with section 11 of the National Gender and Equality Commission Act, His Excellency the President notified the National Assembly of the nomination of Hon. Rehema Dida Jaldesa and Mr. Michael Nzomo Mbithuka for appointment as the Chairperson and Member of the National Gender and Equality Commission, respectively. The Honourable Speaker, vide a communication issued on Wednesday 13th November 2024, conveyed to the House the Message from H.E. the President and subsequently referred the nominees to the Committee to conduct the approval hearing. While referring the nominees to the Committee, the Speaker directed that the Committee undertakes the vetting exercise within twenty-one days (21) in line with section 11 of the National Gender and Equality Commission Act. The Speaker further directed the Clerk of the National Assembly to notify the nominees and the public by placing advertisements in two newspapers of nationwide circulation and on the Parliamentary Website of the time and place of holding the approval hearing by the Committee.

In compliance with Article 118(b) of the Constitution and section 6 (4) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, the Committee placed an advertisement in the print media on Thursday 14th November 2024, informing the public of the nomination, date, time and place of the approval hearing. The Committee also invited the public to submit memoranda by way of written statements on oath (*affidavit*) on the suitability of the nominees to hold offices as required by section 6 (9) of the Public Appointments (Parliamentary Approval) Act. The memoranda were to be received on or before Thursday, 21st November 2024 by 5.00 p.m. (East African Time). At the close of the submission deadline, the Committee had not received any memorandum from the public contesting any of the nominees' suitability.

The Committee also conducted background checks with the relevant agencies, being the Kenya Revenue Authority (KRA), the Ethics and Anti-Corruption Commission (EACC), the Directorate of Criminal Investigations (DCI), the Higher Education Loans Board (HELB) and the Office of the Registrar of Political Parties (ORPP) on the nominees' suitability or otherwise for appointment to office. None of the agencies communicated any reservations on either of the nominees.

The nominees appeared before the Committee on Friday 22nd November 2024 for vetting. The Committee examined their suitability based on the criteria set out in section 7 of the Public Appointments (Parliamentary Approval) Act and sections 10 and 11 of the National Gender and Equality Commission Act. In addition, the Committee examined their academic credentials, relevant experience, knowledge of sector issues and grasp on leadership and integrity. The Committee gave due regard to the procedure used to arrive at the nominees; constitutional or statutory requirements relating to the office in question and suitability of the nominees for the appointments proposed having regard to whether the nominees' abilities, experience and qualities met the specific needs of the National Gender and Equality Commission.

Committee Observations and Recommendations

The Committee having held approval hearings of the nominees regarding their suitability, observed that pursuant to section 6(7) and (8) and section 7 of the Public Appointments (Parliamentary Approval) Act as read with section 10 of the National Gender and Equality Commission Act, the two nominees **met** the integrity threshold; demonstrated knowledge of topical, administrative and technical issues touching on the National Gender and Equality Commission to which they had been nominated; and had the requisite abilities, academic qualifications and professional experience to be approved for appointment.

The Committee therefore recommends that the National Assembly **APPROVES** the nominations of **Hon. Rehema Dida Jaldesa for appointment as Chairperson of the National Gender and Equality Commission, and Mr. Michael Nzomo Mbithuka for appointment as a Member of the National Gender and Equality Commission.**

Acknowledgements

The Committee registers its appreciation to the Speaker of the National Assembly, Clerk of the National Assembly for providing overall guidance and direction, the Office of the Director, Departmental Committees and the Committee Secretariat for the technical and logistical support extended during the vetting process.

In addition, the Committee thanks the nominees for their cooperation during the vetting process. Finally, the Committee is grateful to KRA, EACC, DCI, HELB and ORPP for providing references and background checks on the nominees' suitability to hold office.

Finally, I take this opportunity to acknowledge and appreciate the Committee Members for their patience, sacrifice and commitment, which enabled the Committee to complete the vetting within the set timelines.

On behalf of the Departmental Committee on Social Protection and pursuant to Article 250 of the Constitution, sections 10 and 11 of the National Gender and Equality Commission Act, section 8 of the Public Appointments (Parliamentary Approval) Act and Standing Orders 45(4) and 199, it is my pleasant duty to table the Report of the Committee **recommending APPROVAL of the nominations of Hon. Rehema Dida Jaldesa for appointment as Chairperson of the National Gender and Equality Commission, and Mr. Michael Nzomo Mbithuka for appointment as a Member of the National Gender and Equality Commission,** for debate and adoption by the House.

Hon. Alice Wambui Nga'nga', CBS, MP.
Chairperson, Departmental Committee on Social Protection

CHAPTER ONE

1 PREFACE

1.1 Establishment and Mandate of the Committee

1. The Departmental Committee on Social Protection is one of the twenty Departmental Committees of the National Assembly established under **Standing Order 216** whose mandates pursuant to the **Standing Order 216 (5)** are as follows:
 - i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
 - ii. *To study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;*
 - iii. *on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - iv. *To study and review all legislation referred to it;*
 - v. *To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - vi. *To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - vii. ***To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);***
 - viii. *To examine treaties, agreements and conventions;*
 - ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - xi. *To examine any questions raised by Members on a matter within its mandate.*

1.2 Committee's subjects

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider social welfare and security, pension matters, gender affairs, equality and affirmative action, affairs of children, youth, persons with disability and senior citizens.
3. In executing its mandate, the Committee oversees the Ministry of Labour and Social Protection, Ministry of Youth, Sports and the Arts and Ministry of Public Service, Gender and Affirmative Action.

1.3 Committee Membership

4. The Departmental Committee on Social Protection was constituted by the House on 27th October 2022 and comprises of the following Members:

Chairperson

Hon. Alice Wambui Ngángá, CBS, MP
Thika Town Constituency
UDA Party

Vice-Chairperson

Hon. Hillary Kiplang'at Koskei, MP
Kipkelion West Constituency
UDA Party

Members

Hon. (Dr.) James Wambura Nyikal, M.P.
Seme Constituency
ODM PARTY

Hon. Timothy Wanyonyi Wetangula, M.P.
Westlands Constituency
ODM PARTY

Hon. (Dr.) Lilian Achieng' Gogo, M.P.
Rangwe Constituency
ODM PARTY

Hon. Mark Ogolla Nyamita, M.P.
Uriri Constituency
ODM PARTY

Hon. Edith Vethi Nyenze, M.P.
Kitui West Constituency
WDM-K PARTY

Hon. Betty Njeri Maina, M.P.
Murang'a County
UDA PARTY

Hon. Michael Wambugu Wainaina, M.P.
Othaya Constituency
UDA PARTY

Hon. Sulekha Hulbale Harun, M.P.
Nominated Member
UDM PARTY

Hon. Amina Abdullahi Dika, M.P.
Tana River County
KANU PARTY

Hon. Hussein Abdi Barre, M.P.
Tarbaj Constituency
UDA PARTY

Hon. Susan Nduyo Ngugi, M.P.
Tharaka Nithi County
TSP PARTY

Hon. Agnes Mantaine Pareiyo, M.P.
Narok North Constituency
JUBILEE PARTY

Hon. Linet Chepkorir, M.P.
Bomet County
UDA PARTY

1.4 Committee Secretariat

5. The Committee is facilitated by the following Parliamentary staff:

Mr. Finlay Muriuki

Lead Clerk/ Head of Secretariat

Mr. Ahmednoor Hassan

Clerk Assistant III

Ms. Jemimah Waigwa

Senior Legal Counsel

Mr. Adan Ahmed Abdi

Fiscal Analyst II

Ms. Grace Maneno

Research Officer III

Mr. Benjamin Ochutsi

Hansard Officer III

Ms. Naomi Onsomu

Public Communications Officer

Mr. Derrick Kathurima

Media Relations Officer

Mr. Cosmas Akhonya

Audio Recording Officer

Ms. Eva Kaare

Serjeant-at-Arms

Ms. Fiona Musili

Research Officer

CHAPTER TWO

2 BACKGROUND INFORMATION

2.1 Legal Framework

6. Pursuant to Standing Order 216(5)(f), the Departmental Committee on Social Protection is mandated to vet and report on all appointments where the Constitution or any law requires the National Assembly to approve under its mandate, except those under Standing Order 204. In this regard, the Departmental Committee on Social Protection was assigned the role of conducting the vetting of Hon. Rehema Dida Jaldesa and Mr. Michael Nzomo Mbithuka, nominees for appointment as Chairperson and Member of the National Gender and Equality Commission, respectively.
7. Article 59 of the Constitution as read with section 3 of the National Gender and Equality Commission Act, Cap.7K provides for the establishment of the National Gender and Equality Commission, which is a successor commission of the Kenya National Human Rights and Equality Commission.
8. Article 250 of the Constitution provides for the composition, appointment and terms of office of constitutional commissions. In particular, Article 250(2), (3) and (4) of the Constitution provides as follows;

250. (2) The chairperson and each member of a commission, and the holder of an independent office, shall be—

- (a) identified and recommended for appointment in a manner prescribed by national legislation;*
- (b) approved by the National Assembly; and*
- (c) appointed by the President.*

(3) To be appointed, a person shall have the specific qualifications required by the Constitution or national legislation.

(4) Appointments to commissions and independent offices shall take into account the national values referred to in Article 10, and the principle that the composition of the commissions and offices, taken as a whole, shall reflect the regional and ethnic diversity of the people of Kenya.

Qualifications for appointment as a Chairperson and Member of the National Gender and Equality Commission

9. Section 10 of the National Gender and Equality Commission Act, Cap. 7K provides as follows;
 - 10.(1) A person shall be qualified for appointment as the chairperson of the Commission if the person—*
 - (a) has knowledge and at least fifteen years' experience in matters relating to human rights and gender;*
 - (b) holds a degree from a university recognized in Kenya; and*
 - (c) meets the requirements of Chapter Six of the Constitution.*

(2) A person shall be qualified for appointment as a member of the Commission if the person—

- (a) holds a degree from a university recognized in Kenya;*
- (b) has knowledge and at least ten years' experience in matters relating to any of the following fields—*
 - (i) law;*
 - (ii) public administration;*
 - (iii) economics;*
 - (iv) gender and social development;*
 - (v) human rights;*
 - (vi) management; or*
 - (vii) social sciences;*
- (c) has had a distinguished career in their respective fields; and*
- (d) meets the requirements of Chapter Six of the Constitution.*

(3) A person shall not be qualified for appointment as the chairperson or a member if such person—

- (a) is a member of Parliament or a County Assembly;*
- (b) is a member of the governing body of a political party;*
- (c) is a member of a local authority;*
- (d) is an undischarged bankrupt; or*
- (e) has been removed from office for contravening the provisions of the Constitution or any other law.*

10. Further, the following provisions of the Constitution and statutes shall also guide the Committee as it executes this mandate:

- i. The Public Appointments (Parliamentary Approval) Act, Cap. 7F;
- ii. The National Gender and Equality Commission Act, Cap. 7K;
- iii. Article 10 of the Constitution on national values and principles of governance;
- iv. Chapter 6 of the Constitution on leadership and integrity;
- v. Article 75 of the Constitution on the conduct of state officers;
- vi. Article 77 of the Constitution on restriction on activities of State Officers;
- vii. Article 118 of the Constitution on public participation;
- viii. Article 232 of the Constitution on values and principles of public service;
- ix. The Leadership and Integrity Act, Cap. 185C;
- x. The Public Service (Values and Principles) Act, Cap. 185A; and
- xi. The Public Officer Ethics Act, Cap. 185B

The Public Appointments (Parliamentary Approval) Act, Cap. 7F

11. Section 7 of the Public Appointments (Parliamentary Approval) Act, provides for issues which the relevant House of Parliament (in this case, the National Assembly) is supposed to consider in relation to any nomination. These issues include:

- i. the procedure used to arrive at the nominee;*
- ii. any constitutional or statutory requirements relating to the office in question; and*
- iii. the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.*

12. , Section 6 of the Public Appointments (Parliamentary Approval) Act provides as follows-
- i. An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background (section 6(7), PAPAA);
 - ii. The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate (section 6(8), PAPAA);
 - iii. Any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated (section 6(9), PAPAA); and
 - iv. A candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall end (section 6(10), PAPAA).

Article 10(2) of the Constitution on national values and governance

13. Article 10(2) of the Constitution provides for the national values and principles of governance which include patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people; human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized, good governance, integrity, transparency and accountability; and sustainable development.

Chapter 6 of the Constitution (Leadership and Integrity)

14. There are critical provisions in Chapter 6 of the Constitution worth pointing out. Article 73 of the Constitution provides that the authority assigned to a State officer (a Principal Secretary being a state officer under Article 260 of the Constitution) is a public trust to be exercised in accordance to the Constitution, demonstrate respect for the people, bring honour to the nation and dignity to the office and promote public confidence in the integrity of the office. Also, the State officer shall have the responsibility to serve the people rather than the power to rule them.
15. The guiding principles of leadership and integrity are listed as selection based on personal integrity, competence and suitability, objectivity and impartiality in decision-making, selfless service based solely on the public interest, accountability and discipline and commitment in service to the people.

Article 75 of the Constitution on conduct of state officers;

16. A state officer shall behave, whether in public and official life, in private life or in association with other persons, in a manner that avoids among other things any conflict between personal interests and public or official duties.

Article 77 of the Constitution (Restriction on activities of State Officers)

17. Article 77 of the Constitution provides that a full-time State Officer shall not participate in any other gainful employment and that any appointed State Officer shall not hold office in a political party.

Article 118 of the Constitution on public access and participation

18. Article 118 of the Constitution provides that: Parliament shall conduct its business in an open manner, and its sittings and those of its committees shall be in public; and facilitate public participation and involvement in the legislative and other business of Parliament and its Committees. Parliament may not exclude the public, or any media, from any sitting unless in exceptional circumstances the relevant Speaker has determined that there are justifiable reasons for the exclusion.

Article 232 of the Constitution on Values and Principles of Public Service

19. Article 232 of the Constitution provides for the values and principles of public service which include high standards of professional ethics; efficient, effective and economic use of resources; responsive, prompt, effective, impartial and equitable provision of services; involvement of the people in the process of policy making; accountability for administrative acts; transparency and provision to the public of timely, accurate information; fair competition and merit as the basis of appointments and promotions; representation of Kenya's diverse communities; and affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service of men and women; the members of all ethnic groups; and persons with disabilities.

The Leadership and Integrity Act, Cap. 185C

20. The Leadership and Integrity Act, provides a number of obligations to a state officer. These are, among others: to respect and abide by the Constitution and the law, public trust, performance of duties in an honest and accountable manner, professionalism, financial integrity, not to engage in activities that amount to abuse of office, not misuse public resources, accepting gifts that may compromise the officer's duties, wrongful or unlawful acquisition of property, conflict of interest etc.

The Public Service (Values and Principles) Act, Cap. 185A

21. Section 5 of the Public Service (Values and Principles) Act provides that a public officer shall maintain high standards of professional ethics, including, being honest; displaying high standards of integrity, transparency, accountability, respect to others, objectivity, patriotism, observance of rule of law. (Applies in future upon appointment)

The Public Officer Ethics Act, Cap. 185B

22. The Public Officer Ethics Act provides for obligations to be carried out by a public officer. These include professionalism, carrying out duties in accordance with the law, prohibition from unjust enrichment, avoiding conflict of interest, not using office as a venue for soliciting or collecting harambees; not acting for foreigners; care of property; political neutrality, not practicing nepotism or favouritism, giving impartial advice, conducting private affairs in a way that maintains public confidence, bar from sexual harassment, submission of declaration of income, assets and liabilities once every two years (section 26). (Applies in future after appointment)

2.2 Message from H.E. the President, Speaker's Communication and Committal of Message to the Committee

23. Pursuant to Standing Order 42(1), the Honourable Speaker, in a Message delivered to the National Assembly on 13th November 2024, informed the House that he had received a Message from His Excellency the President relating to nomination of persons as Chairperson and a Member of the National Gender and Equality Commission.
24. His Excellency the President had conveyed that, in exercise of powers conferred by Article 250 of the Constitution and section 11(6) of the National Gender & Equality Commission Act, 2012 as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he had nominated Hon. Rehema Dida Jaldesa and Mr. Michael Nzomo Mbithuka for appointment as the Chairperson, and Member of the National Gender and Equality Commission, respectively.
25. The Honourable Speaker further stated that His Excellency the President was thus seeking the approval of the House on the nominees for appointment to their respective positions.
26. Pursuant to Standing Order 45, the Honourable Speaker referred the Message from His Excellency the President, together with the Curriculum Vitae, the Report of the Selection Panel, and the Report of the Public Service Commission, of the nominees to this Departmental Committee on Social Protection for approval hearings.
27. Thus, the Approval Hearing undertaken by the Committee summarized the Public Participation exercise that commenced on 14th November 2024 following the publication in various newspapers of Advertisements inviting members of the public to submit their views on the suitability or otherwise of the nominees.
28. The Committee received and was in the process of receiving feedback and clearances from the Commission for University Education, the Directorate of Criminal Investigations, the Director of Public Prosecutions, the Ethics and Anti-Corruption Commission, the Higher Education Loans Board, the Kenya Revenue Authority, and the Registrar of Political Parties, and none of these agencies had communicated any negative evaluation of or reservation on any of the nominees.
29. In addition, the Speaker had directed that the report of the approval hearing be tabled in the House not later than **26th November, 2024** to enable the House to consider the report within the statutory timelines.

2.3 Notification to the Public

30. Section 6(9) of the Public Appointments (Parliamentary Approval) Act provides that *"any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated"*.
31. The Clerk of the National Assembly on **14th November, 2024** placed a notification in the print media informing the general public of the intention of the Committee to conduct approval hearings, as provided for by Article 118(1)(a)(b) and (2) of the Constitution and section 6(4) of the Public Appointments (Parliamentary Approval) Act, which allows public participation in committee proceedings. The notification gave provision for the submission of memoranda, by way of written statements on oath (*affidavit*) contesting the suitability of the nominees, by **21st November, 2024**

at 5.00 p.m. (East African Time). At the close of the submission deadline, the Committee had not received any memorandum contesting the suitability of the nominees for appointment as Chairperson and Member of the National Gender and Equality Commission.

2.6 Notification to the Nominee

32. The Committee vide an advertisement in the print media on 14th November, 2024 and vide letter Ref. NA/DDC/SP/VETT/2024/001 and NA/DDC/SP/VETT/2024/002 informed the nominees of the nomination by H.E. the President and requested them to appear for vetting by the Departmental Committee on Social Protection on 22nd November, 2024. The Committee further requested the nominees to appear for vetting with the relevant clearance certificates from KRA, HELB, EACC, DCI and ORPP.

2.7 Clearance Requirements for the Nominees

33. The Committee conducted background checks with the Kenya Revenue Authority, Higher Education Loans Board, Ethics and Anti-Corruption Commission, Directorate of Criminal Investigations, and the Office of Registrar of Political Parties on the suitability of Hon. Rehema Dida Jaldesa and Mr. Michael Nzomo Mbithuka for appointment as Chairperson and Member of the Commission, respectively. The following institutions wrote back to the National Assembly clearing the nominees: EACC Ref: EACC.7/10/5VOL.XXIX (114); ORPP:RPP/ORG/34 VOL VIII (37); HELB: HELB/RR/112009/V/339.

2.8 Report of the Selection Panel for the Recruitment of Nominees for the Appointment as Chairperson and Member of the National Gender and Equality Commission

34. Pursuant to the National Gender and Equality Commission Act, the Selection Panel for the Recruitment of Nominees for the Appointment as Chairperson and Member of the National Gender and Equality Commission invited applications from suitably qualified persons for the position of Chairperson and one (1) Member of the National Gender and Equality Commission. The advertisement was published in the local dailies on 10th September, 2024 and in the Gazette Notice No. 11770 on 11th September, 2024.
35. The vacancy for the position of chairperson attracted forty-five (45) applicants out of which three (3) were persons with disabilities. The vacancy for the position of one Member attracted two hundred and four (204) applicants out which eighteen (18) were persons with disabilities.
36. In accordance with the Constitution and the National Gender and Equality Commission Act, the Selection Panel shortlisted ten (10) applicants for the position of chairperson and sixteen (16) applicants for the position of Member of the Commission. The names of all the shortlisted applicants and the interview schedule were published in the local dailies on 7th October, 2024.
37. In compliance with good governance and practice, the Panel forwarded the names of the shortlisted applicants for verification of documentation submitted and background checks. Further, the Panel invited the members of the public to submit memoranda in respect of the suitability of the shortlisted applicants.

38. The Selection Panel subsequently interviewed the shortlisted applicants and recommended three (3) candidates for the position of Chairperson and eight (8) candidates for the position of Member of the Commission, for consideration by H.E The President and nomination as Chairperson and Member of the National Gender and Equality Commission.
39. In its report, the Selection Panel avers that it conducted the selection process in accordance with the Constitution and the National Gender and Equality Commission Act.

2.9 Committee proceedings

40. The Committee having received the names of the nominees for the position of the Chairperson and one (1) Member of the National Gender and Equality Commission, was obligated to conduct an approval hearing and make determination of the nominees' suitability or otherwise within twenty-one (21) days as provided for in section 11(7) of the National Gender and Equality Commission Act.
41. The Committee held two sittings during which it examined and reviewed the nominees' certificates, testimonials as well as conducted approval hearings.

CHAPTER THREE

3.0 APPROVAL HEARING

42. The Committee conducted approval hearing for the nominees on **Friday, 22nd November, 2024**. In conducting the vetting exercise, the Committee was guided by the Constitution, the National Gender and Equality Commission Act, Cap. 7K, Public Appointments (Parliamentary Approval) Act, Cap. 7F and the National Assembly Standing Orders.
43. The Committee examined the nominee using the guidelines in the Public Appointments (Parliamentary Approval) Act. The Committee also considered the following in vetting the nominee:
- Academic qualifications
 - Employment record and work experience
 - Professional association
 - Public office, political activities and affiliations
 - Potential conflict of interest
 - Suitability to the position
 - Tax compliance
 - Vision and leadership
 - Integrity
 - Expectations and key priorities.

3.1 VETTING OF HON. REHEMA DIDA JALDESA

44. Hon. Rehema Dida Jaldesa, the nominee to the position of the Chairperson of the National Gender and Equality Commission, appeared before the Departmental Committee on Social Protection on Friday, 22nd November, 2024 at 9.00 a.m. and was vetted under oath pursuant to Article 250 of the Constitution, the National Gender and Equality Commission Act, the Public Appointments (Parliamentary Approvals) Act, and the Standing Orders of the National Assembly. The nominee was orally interviewed by the Committee and responded to questions during vetting. The Committee noted the following:

3.1.1 Personal Background

Citizenship, Date and Place of Birth

45. The nominee is a Kenyan Citizen of ID number 7872650 and was born in Isiolo on 29th July, 1969.

Academic and Professional Qualifications

46. The nominee is pursuing an MSc. in Governance, Leadership and Management from Jomo Kenyatta University of Agriculture and Technology. The nominee also holds a Bachelor of Arts Degree in Leadership and Management from St. Paul's University, Graduate Diploma in Management (General) from Dublin Adult Learning Centre, Cambridge Association of Managers and Diploma in Public Relations from the University of Nairobi.

Employment Record and Work Experience

47. The nominee serves as a Board Member at Concern Universal and has previously served as an elected County Woman Representative for Isiolo County in the National Assembly from 2017-

2022, Chairperson of Kenya Industrial Estate, Chairperson, Ewaso Nyiro North Development Authority and as a Customer Service Assistant and Clerical Officer at Kenya Commercial Bank.

Membership of Professional Bodies

48. The nominee is a member of;
- i) Wildlife club of Kenya;
 - ii) Women in Business;
 - iii) Young Muslim Foundation; and
 - iv) Vital Voices Global Partnerships.

Awards

49. The nominee was awarded a certificate for being one of the most influential Kenyan Muslims in the year 2019, in the category of Leadership (Law & Governance).

Pro-bono/Charity Work/Donation to Charity

50. The nominee runs Dr. Guracha Foundation that focuses on orphans, providing for them basic needs and school supplies. The nominee also runs Move to Empower Pastoralist Women Kenya (MEP), an NGO that supports women, especially widows, with training and seed capital for starting businesses. The NGO also supports farming by providing farm inputs.

Potential Conflict of Interest

51. The nominee stated that she did not have family members or other persons, parties, categories of litigation or financial arrangements that are likely to present potential conflict of interest, if she assumes office in the position to which she had been nominated.

Net Worth

52. The nominee stated that her net worth is 162 million shillings.

Integrity

53. The nominee stated that she had not been dismissed or otherwise removed from office for a contravention of the provisions of Article 75 of the Constitution. She had also not been adversely associated with practises that depict bias, favouritism or nepotism in the discharge of public duties.

Other issues under consideration

54. To examine suitability or otherwise of the nominee, the Committee posed questions to the nominee on her knowledge on matters relating to gender, equality and affirmative action. The nominee responded as follows: -

On experience in advocating for gender equality and addressing gender-based discrimination in Kenya

55. The nominee highlighted her experience while she was serving as a Women Representative for Isiolo County. The nominee stated that during her tenure as a County Woman Representative, she encountered several cases of defilement of minors, teenage pregnancies, sexual and gender based violence among other discriminatory practices. Further, the nominee stated that in the past, she had advocated for gender equality and end of gender-based violence in different platforms. The nominee additionally stated that during her tenure as a Member of Parliament, she raised gender

related issues on the floor of the House for consideration and further raised awareness and advocated for gender equality.

On addressing gender issues in the country

56. The nominee stated that whereas Kenya had made tremendous progress in addressing gender issues, cases of femicide were currently on the rise. The nominee further observed that Kenya is still facing underrepresentation of women and there are still communities that practice negative cultural practices.
57. The nominee also observed that the boy-child was facing mental health issues and engaging in drug abuse which may be attributable by the exclusion of the boychild in empowerment programmes.
58. The nominee noted that there was need to strengthen institutions such as the courts to ensure that victims get justice. If approved, the nominee also undertook to engage and sensitize communities against discriminatory cultural practices and advocate for empowerment programmes that also focuses on the boychild.

On the visibility of the Commission on gender issues

59. The nominee noted that the Commission had not been substantially visible in fighting for the rights of women, girls, the boy-child and other vulnerable people in society, including persons with disabilities. The nominee stated that, if approved, she will work with the Committee to draft a strategic plan that will ensure that the Commission becomes vibrant and visible on gender issues.
60. The nominee further noted that budgetary allocation to NGEC had progressively been reduced over time, leaving the Commission under-funded. The nominee stated that this had affected the ability of the Commission to effectively discharge its mandate. Additionally, the nominee noted that the Commission did not have adequate human resource to carry out its programmes. She further observed that the presence of the Commission was not being felt given its lack of presence in counties.
61. If approved, the nominee stated that she would be vocal about the work of NGEC and engage the Committee to ensure adequate funding and deployment of adequate staff to the Commission. She further stated that, if approved, she will invest in publicity and increase media coverage of its work on gender issues to increase awareness by the public. The nominee further committed to seek alternative sources of funding and resource mobilization outside the Exchequer.

On the role of the National Gender and Equality Commission in the implementation of the Government's development agenda

62. The nominee stated that the mandate of NGEC is very clear on the promotion of gender equity and freedom from discrimination of special interest groups. The nominee further observed that the Commission has a role in ensuring that the issues of special interest groups are mainstreamed into the policy and programmes of the government.

On measures to end Gender Based Violence

63. The nominee stated that there is need to strengthen NGEC in seeking to achieve the country's targets of eliminating gender-based violence by 2026. She added that Kenya has robust laws

against Gender-Based Violence and there was need for full implementation in seeking to eliminate Gender Based Violence. The nominee also stated that she would advocate for establishment of safe houses and counselling services for victims of Gender-Based Violence.

On the two-thirds gender rule

64. The nominee noted that lack of political goodwill was one of the reasons why the two-thirds gender rule had not been achieved. She also noted that Article 81(b) of the Constitution had not been implemented. The nominee observed that there was need to apply the formula used in Article 177 of the Constitution to achieve the two-thirds gender rule in the National Assembly and the Senate and make political parties accountable in making nominations that reflect gender equality.

On the nominee's vision, if appointed

65. The nominee undertook to increase the visibility of NGEN by collaborating with other relevant stakeholders and increase public awareness of its work.
66. Given that NGEN is an Independent Commission, she pledged to discharge her duties as envisaged in the Constitution if approved. The nominee further stated that she would engage other arms of government including the Executive and collaborate with the other arms of government in promoting the work of NGEN.
67. Further, the nominee undertook to work with other Commissioners and the Secretariat to deliver on the mandate of NGEN and further harness resource mobilization.
68. Additionally, the nominee undertook to ensure that gender compliance parameters are included as part of performance contracts to ensure accountability.



Hon. Rehema Dida Jaldesa undergoing Public Hearing for her nomination as Chairperson of the National Gender and Equality Commission before the Social Protection Committee on 22nd November 2024

3.13 Committee Observations on the Suitability of the Nominee

69. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, her curriculum vitae and having heard her oral submissions during the approval hearing, made the following observations on her suitability for appointment as Chairperson of the National Gender and Equality Commission—

- (1) **THAT**, the nominee serves as the Board Member at Concern Universal and has previously served as the County Woman Representative for Isiolo County in the 12th Parliament, Chairperson of Kenya Industrial Estate, Chairperson, Ewaso Nyiro North development Authority and as a Customer Service Assistant and Clerical Officer at Kenya Commercial Bank.
- (2) **THAT**, the nominee holds a Bachelor of Arts degree in Leadership and Management from St. Paul's University, Graduate Diploma in Management (General) from Dublin Adult Learning Centre, Cambridge Association of Managers and Diploma in Public Relations from the University of Nairobi. The nominee is pursuing an MSc. In Governance and leadership and management, from Jomo Kenyatta University of Agriculture and Technology
- (3) **THAT**, the nominee meets the requirements of Chapter Six of the Constitution on leadership and integrity having obtained clearance from the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Education Loans Board (HELB).
- (4) **THAT**, the nominee has not been charged in a court of law in the past three years.
- (5) **THAT**, the nominee does not hold office in any political party.
- (6) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), Article 76 (financial probity), Article 77 (restriction on activities of State Officers) and Article 78(2) (dual citizenship) of the Constitution.
- (7) **THAT**, the nominee demonstrated knowledge of topical, administrative and technical issues touching on gender, equality and affirmative action and has the requisite abilities, qualifications and experience to serve as the Chairperson of the National Gender and Equality Commission.

3.2 VETTING OF MR. MICHAEL NZOMO MBITHUKA

70. Mr. Michael Nzomo Mbithuka the nominee to the position of the Member of the National Gender and Equality Commission appeared before the Departmental Committee on Social Protection on Friday, 22nd November, 2024 at 11.00a.m. and was vetted under oath pursuant to Article 250 of the Constitution, the National Gender and Equality Commission Act, the Public Appointments (Parliamentary approvals) Act, and the Standing Orders of the National Assembly. The nominee was orally interviewed by the Committee and responded to questions during vetting. The Committee noted the following:

3.1.2 Personal Background

Citizenship, Date and Place of Birth

71. The nominee is a Kenyan Citizen of ID number 20677860 and was born in Machakos on 31st August, 1978.

Academic and Professional Qualifications

72. The nominee holds a Master of Business Administration from St. Paul's University, Bachelor of Science in Information Science from Moi University and Kenya Certificate of Secondary Education from Tala High School. The nominee is a certified Digital Finance Practitioner from Fletcher School at Tufts University, Massachusetts, USA. He is currently pursuing PhD in Innovation and Entrepreneurship at St. Paul's University.

Employment Record and Work Experience

73. The nominee serves as Manager of Digital Innovation at FSD Africa. He has previously served as Vice-Chairperson for the Presidential Task Force at the Government Press, Commercial Manager at Safaricom Plc, Market Engagement and Partnership Development Manager at GSMA and Cloud Technology, Sales Lead at Oracle Corporation. He also served as Marketing and Business Development Lead, East Africa at Avanti Communications Group Plc, Head of Public Sector, Corporate & SME Business at Airtel Networks, Head of Corporate Sales at ESSAR Telecom, and Relationship Manager, Corporate Banking at Equity Group Holdings.

Membership of Professional Bodies

74. The nominee is a member of;
- i) Institute of Directors (Kenya);
 - ii) Member-Marketing Society of Kenya;
 - iii) Inable.org- Board Director;
 - iv) Albinism Society of Kenya-Board Director;
 - v) Riziki Source-Board Director; and
 - vi) Chair-Board of Management (Mbukuni High School, Masaani Girls High School, Kalama High School).

Public Office, Political Activities and Affiliations

75. The nominee has previously served as;
- i) Vice Chairperson-Presidential Taskforce- June 2023-Dec 2023;
 - ii) Board Director, KIPPRA- Oct 2018-Oct 2021.

Pro-Bono/Charity Work/ Donation to Charity

76. The nominee pays school fees for children from needy backgrounds in several schools.

Potential Conflict of Interest

77. The nominee stated that he did not have family members or other persons, parties, categories of litigation or financial arrangements that are likely to present potential conflicts-of-interest when he assumes office in the position to which she had been nominated.

Net Worth

78. The nominee stated that his net worth is 95 million shillings.

Integrity

79. The nominee stated that he had not been dismissed or otherwise removed from office for a contravention of the provisions of Article 75 of the Constitution. He had also not been adversely associated with practises that depict bias, favouritism or nepotism in the discharge of public duties. He nominee added that, to resolve potential conflict of interest, he will be guided by the corporate governance practices, and will declare the potential conflict and have it recorded in a register. He will also recuse to participate in decision making/voting, where such conflict may influence outcome.

Other issues under consideration

80. To examine suitability or otherwise of the nominee, the Committee posed questions to the nominee on his knowledge on matters relating to gender, equality and affirmative action. The nominee responded as follows: -

On how his educational and professional background will help him in the role of a Commissioner

81. The nominee highlighted his achievements in the various organizations he had worked in, as well as his educational background and stated that he was passionate about service to the public. He also pointed out his experience living with disability in relation to appreciating and understanding the challenges faced by Persons with Disabilities in the society. The nominee further noted that he had acquired various skills including teamwork, collaboration, and development of inclusion policies which would assist him discharge his duties as a Commissioner at NGEC.

On the role of the National Gender and Equality Commission in the implementation of the Government's development agenda.

82. The nominee stated that the mandate of NGEC aligned with the Bottom-up Economic Transformation Agenda (BETA) on inclusivity. He added that for development to be sustainable, both genders should be given access to economic opportunities. The nominee further observed that NGEC has a clear-cut mandate on inclusivity and thus play a very big role in ensuring that the Government's development agenda is achieved.

On the role of NGEC in promoting the rights of boys and men

83. The nominee noted that there was a perception that NGEC is a women lobby forum. He added that many boys and men were marginalized due to exclusion in empowerment programmes which largely focus on girls and women. The nominee stated that there was need to sensitize communities against negative cultural practices which promote gender inequality. The nominee further stated that, if approved, he would work with other Commissioners to make NGEC more intentional in bringing boys and men onboard in empowerment programmes.

84. The nominee observed that this would be achieved through adopting a multi-sectoral and collaborative approach focused on empowerment for all.

On strategies to ensure that NGECE is accessible to the marginalized and vulnerable communities and persons with disabilities

85. The nominee stated that, if approved, he would champion equality and non-discrimination for all the marginalized groups in accordance with the mandate of the Commission.
86. The nominee noted that there was need to ensure implementation of Article 100 of the Constitution which seeks to promote the representation in Parliament of women; persons with disabilities; youth; ethnic and other minorities; and marginalized communities.

On the independence of NGECE

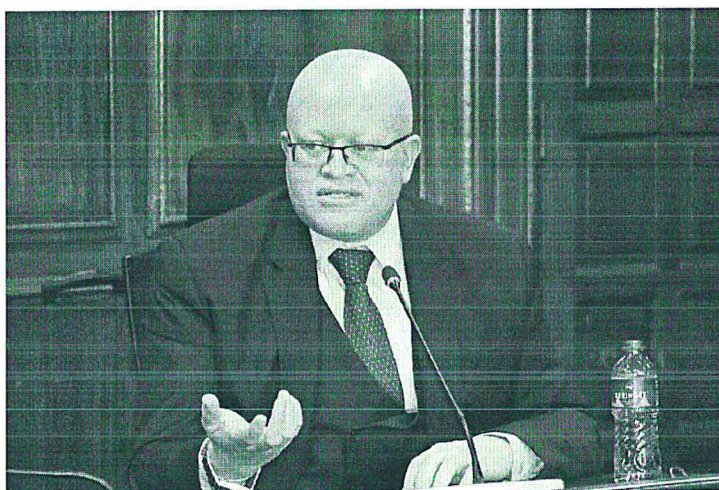
87. The nominee stated that NGECE is an Independent Commission. The nominee further stated that if approved, he would collaborate with relevant stakeholders in seeking to champion the work of the Commission. The nominee further undertook to hold all persons accountable for non-compliance with matters relating to gender as envisaged in the Constitution and relevant laws.

On two-thirds gender rule

88. The nominee stated that NGECE was represented in the Presidential Working Group that was established to propose the manner of realizing the two-thirds gender rule. The nominee noted that the application of Article 177 of the Constitution would cure the gender imbalance in the National Assembly and the Senate.

On his vision as a Commissioner

89. The nominee stated that he would work at ensuring that NGECE becomes a center of excellence in providing support to Government agencies on areas of inclusion.
90. The nominee further undertook to work with the Social Protection Committee to ensure adequate budgetary allocation and funding of the work of the Commission.
91. To resolve the issue of insufficient manpower, the nominee undertook to pursue secondment of additional officers with expertise on gender issues, from the Public Service, to boost its Secretariat.



Mr. Michael Nzomo Mbithuka undergoing Public Hearing for his nomination as a Member of the National Gender and Equality Commission on 22nd November 2024.

3.13 Committee Observations on the Suitability of the Nominee

92. The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as a Member of the National Gender and Equality Commission—

- (1) **THAT**, Mr. Michael Nzomo Mbithuka is presently serving as Manager of Digital Innovation at FSD Africa. He has previously served as Vice-Chairperson for the Presidential Task Force at the Government Press, Commercial Manager at Safaricom Plc, Market Engagement and Partnership Development Manager at GSMA and Cloud Technology Sales Lead at Oracle Corporation. He also served as Marketing and Business Development Lead, East Africa at Avanti Communications Group PLC, Head of Public Sector, Corporate & SME Business at Airtel Networks, Head of Corporate Sales at ESSAR Telecom and as a Relationship Manager, Corporate Banking at Equity Group Holdings.
- (2) **THAT**, the nominee holds a Master of Business Administration from St. Paul's University, and Bachelor of Science in Information Science from Moi University. The nominee is a certified Digital Finance Practitioner from Fletcher School at Tufts University. He is currently pursuing PhD in Innovation and Entrepreneurship at St. Paul's University.
- (3) **THAT**, the nominee meets the requirements of Chapter Six of the Constitution on leadership and integrity having obtained clearance from the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Education Loans Board (HELB).
- (4) **THAT**, the nominee has not been charged in a court of law in the past three years.
- (5) **THAT**, the nominee does not hold office in any political party.
- (6) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), Article 76 (financial probity), Article 77 (restriction on activities of State Officers) and Article 78(2) (dual citizenship) of the Constitution.
- (7) **THAT**, the nominee demonstrated knowledge of topical, administrative and technical issues touching on gender, equality and affirmative action and has the requisite abilities, qualifications and experience to serve as a Member of the National Gender and Equality Commission.

CHAPTER FOUR

COMMITTEE OBSERVATIONS AND FINDINGS

93. Pursuant to section 6(7) and (8) as well as section 7 of the Public Appointments (Parliamentary Approval) Act as read with section 10 of the National Gender and Equality Commission Act, the Committee observed that the following nominees **met** the integrity threshold; demonstrated knowledge of topical, administrative and technical issues related to the National Gender and Equality Commission to which they had been nominated; and had the requisite abilities, academic qualifications and professional experience to be approved for appointment:

- (1) Hon. Rehema Dida Jaldesa, nominee for appointment as Chairperson of the National Gender and Equality Commission; and
- (2) Mr. Michael Nzomo Mithura, nominee for appointment as a Member of the National Gender and Equality Commission.



The Departmental Committee on Social Protection undertaking Public Hearings on the Nomination of Hon. Rehema Dida Jaldesa for appointment as Chairperson of National Gender and Equality Commission on 22nd November 2024

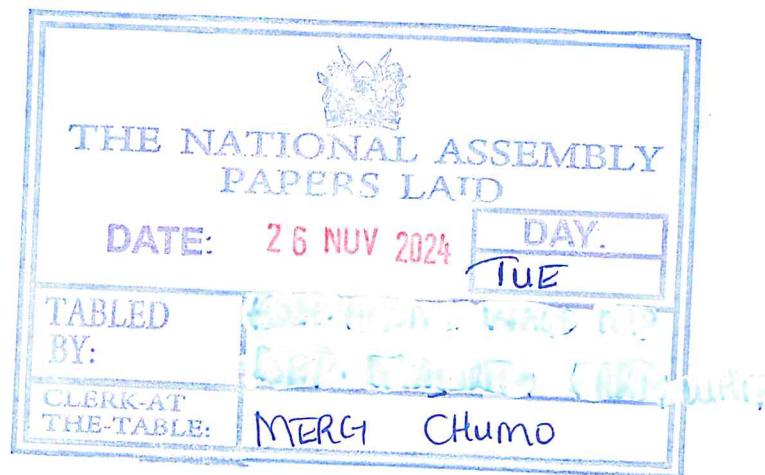
CHAPTER FIVE

5 RECOMMENDATIONS

78. Having conducted the approval hearing of the nominees pursuant to Article 250 of the Constitution, sections 10 and 11 of the National Gender and Equality Commission Act, Cap. 7K, sections 3 and 8(2) of the Public Appointments (Parliamentary Approval) Act, Cap. 7F and Standing Orders 45 and 216, the Committee recommends that the National Assembly **APPROVES** the appointments of **Hon. Rehema Dida Jaldesa as Chairperson of the National Gender and Equality Commission**, and **Mr. Michael Nzomo Mbithuka as a Member of the National Gender and Equality Commission**.

SIGNED.......... DATE..........

HON. ALICE WAMBUI NG'ANG'A, CBS, M.P
CHAIRPERSON
DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION



DEP. MARTIN BARK
JON. HADWIN 2010